

DRAFT FOR EXAMINER INTERVIEW**REMARKS****Response to Claim Rejections Under 35 U.S.C. §103**

Claims 1, 7-10, 15, 16, 19, 71, 74, 76, 83-85, 87, 89 and 97-100 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Miller et al. (U.S. Pat. No. 6,758,824) in view of Fucci et al. (U.S. Pat. No. 5,366,468). Neither Miller et al. nor Fucci et al. disclose a tissue cutting member with a longitudinal slit or first opening having a distal end that opens to tissue receiving aperture and a second opening that has closed proximal and distal ends and is circumferentially spaced from the first opening.

Claims 77-82 and 90-95 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Miller et al. ('824) in view of Fucci et al. ('468) and in further view of Majlessi (U.S. Pat. No. 5,871,454).

The '454 patent a pair of openings which act much like a cheese grater but this reference fails to make up for what Miller et al. ('824) and Fucci et al. ('468) do not teach.

New Prior Art

Applicants wish to bring to the attention of the Examiner U.S. Pat. No. 6,258,111 (Ross et al.) which was recently brought to applicants' attention in a foreign application related to the present application. Applicants wish to note Figs. 27-29 of this reference. Figs. 28 and 29 disclose slits 492 and 502 which open to a tissue receiving aperture. The embodiment shown in Fig. 29 has an inclined tissue cutting edge (510), whereas Fig. 28 has a tissue cutting edge (494) which is perpendicular to the longitudinal axis. Neither embodiment teaches or suggests a flared distal tip with an inclined tissue cutting edge and with a single slit as called for in applicants' claims. A copy of the

DRAFT FOR EXAMINER INTERVIEW

Written Opinion which first referenced Ross et al. is attached hereto along with PTO-1449 which lists the Ross et al. patent.

Conclusions

Applicants believe that the pending claims are directed to patentable subject matter. Reconsideration and an early allowance are earnestly solicited.

Respectfully submitted,

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